

## **AMENDMENTS TO THE CLAIMS**

### **Listing of Claims:**

The following listing of claims will replace all prior listings of claims in this application.

#### **Claims 1-60 (canceled).**

**Claim 61 (currently amended):** An image capture apparatus comprising:  
an image capture unit adapted to capture an image using an image pickup element; and  
a switch adapted to instruct the image capture apparatus to start a recording process of recording a captured image to a recording medium,  
wherein the image capture apparatus is capable of determining, ~~whether to~~  
~~issue a warning to a user or not~~ using (a) a first exposure value indicating an exposure of an image captured before the switch is operated, (b) a second exposure value indicating an exposure of an image captured after the switch is operated, (c) a first white balance value indicating a white balance of an image captured before the switch is operated, and (d) a second white balance value indicating a white balance of an image captured after the switch is operated, whether to issue a warning to a user or not.

**Claim 62 (currently amended):** An image capture apparatus according to claim 61, wherein the image capture apparatus is capable of determining, ~~whether to start~~  
~~the recording process or not~~ using the first exposure value, the second exposure value, the

first white balance value[[,]] and the second white balance value, whether to start the recording process or not.

**Claim 63 (currently amended):** An image capture apparatus comprising:  
an image capture unit adapted to capture an image using an image pickup element; and  
a switch adapted to instruct the image capture apparatus to start a recording process of recording a captured image to a recording medium,  
wherein the image capture apparatus is capable of determining, ~~whether to~~  
~~issue a warning to a user or not~~ using a first white balance value indicating a white balance of an image captured before the switch is operated and a second white balance value indicating a white balance of an image captured after the switch is operated,  
whether to issue a warning to a user or not.

**Claim 64 (currently amended):** An image capture apparatus according to claim 63, wherein the image capture apparatus is capable of determining, ~~whether to start the recording process or not~~ using the first white balance value and the second white balance value, whether to start the recording process or not.

**Claim 65 (currently amended):** A method for an image capture apparatus, the image capture apparatus includes an image capture unit adapted to capture an image using an image pickup element; and a switch adapted to instruct the image capture apparatus to start a recording process of recording a captured image to a recording medium, the method comprising:

a step of determining, ~~whether to issue a warning to a user or not~~ using (a) a first exposure value indicating an exposure of an image captured before the switch is operated, (b) a second exposure value indicating an exposure of an image captured after the switch is operated, (c) a first white balance value indicating a white balance of an image captured before the switch is operated, and (d) a second white balance value indicating a white balance of an image captured after the switch is operated, whether to issue a warning to a user or not.

**Claim 66 (currently amended):** A method according to claim 65, further comprising a step of determining, ~~whether to start the recording process or not~~ using the first exposure value, the second exposure value, the first white balance value and the second white balance value, whether to start the recording process or not.

**Claim 67 (currently amended):** A method for an image capture apparatus, the image capture apparatus includes an image capture unit adapted to capture an image using an image pickup element; and a switch adapted to instruct the image capture apparatus to start a recording process of recording a captured image to a recording medium, the method comprising:

a step of determining, ~~whether to issue a warning to a user or not~~ using a first white balance value indicating a white balance of an image captured before the switch is operated and a second white balance value indicating a white balance of an image captured after the switch is operated, whether to issue a warning to a user or not.

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**Claim 68 (currently amended):** A method according to claim 67, further comprising step of determining, ~~whether to start the recording process or not~~ using the first white balance value and the second white balance value, whether to start the recording process or not.